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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,689	09/15/2003	Thomas T. Hardt	200302618-3	9782

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EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/662,689	HARDT ET AL.
	Examiner Steven M Marsh	Art Unit 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 September 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-28 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

This is the second office action for U.S. Application 10/662,689 for a Cable Management System and Method of Installation and Operation Thereof filed by Thomas Hardt et al. on September 15, 2003.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites the limitation "the electronic device" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Braden et al. Braden et al. discloses a flexible cable harness (H) and a first support member (222) securable to the cable harness. There is a second support member (186) securable to the cable harness and the harness is suspended between the first and second support members (only a portion of the harness is between the members, but the same is true of Applicant's harness). The first support member is wire and there is a spring-loaded first reel (224) that the first wire is wound onto. The first reel is adapted to retract the first support member on the reel and there is a biased second reel (180) that

performs the same function with the second support member. The first support member is secured to the first harness at a first location (220) along the harness and the second support member is secured at a second location (at 122). The harness is adapted to be secured to a chassis or electronic device and can also be secured to at least one cable. The harness has connectors (200 and 230) operable to suspend a third and fourth portion of the cable, respectively. Claims 4-7 and 12-15 contain limitations to the structure of the electrical cable, the rack, and the electronic device. However, the structure of those objects is not positively recited in the claims and therefore the limitations have been given no patentable significance.

The cable management system is secured by the following steps: the harness is secured to a cable; first (222) and second flexible members (186) are coupled to the harness (at 220 and 122); the first and second flexible members are coupled by connecting first and second wires from first and second reels, to first and second portions of the harness, respectively; and the harness is secured to a support housing (B) for an electronic device (and thus secured to the device).

Claim Rejections - 35 USC § 103

Claim 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braden et al. in view of U.S. Patent 5,467,679 to Schmidt. Braden et al. does not disclose a harness with a flexible spine and straps secured to the spine. Schmidt discloses a strap (42) that is adapted to be wrapped around cables as a cable harness, as is common in the electrical trade (see col. 2, lines 13-19). The strap is locked in

place by hook and loop fasteners (44... a self securing material). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided straps for the cable harness taught by Braden et al., as taught by Schmidt, for the purpose of securing cables in the harness. The harness disclosed by Braden et al. is flexible, therefore the resultant structure would comprise straps secured to a flexible "spine".

Response to Arguments

Applicant's arguments filed September 29, 2004 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a harness wrapped around the cables) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant first argues that Braden does not disclose a flexible cable harness adapted to support at least one cable. However, Braden discloses that the item H, is a cable harness. Applicant argues that there does not appear to be anything wrapped around the cable rows, but Applicant does not claim a harness comprising something wrapped around the cable rows. Applicant claims a harness adapted to support at least one cable, and a row of cables could support another cable.

Applicant also argues that the limitations to the features of claims 4-7 and 12-15 must be given patentable weight. While the limitations are considered, they are limiting structure that is positively recited. For example, in claim 1, Applicant claims "a flexible cable harness adapted to support at least one electrical cable". The structure of an electrical cable has not been claimed, but rather a cable harness adapted to perform a function. In claim 5, Applicant claims the "at least one electrical cable is securable to a movable electronic device disposed within a chassis". However, as pointed out above, the electrical cable hasn't been claimed, so the function provides no further limitation. In claims 21 and 23-26, Applicant attempts to claim limitations to the "movable device", but the movable device has not been claimed. Applicant claims "a cable management system for a movable device" and "a flexible harness *securable* to at least one cable *coupleable* to the movable device. The device is not positively recited in these claims and therefore structural limitations to the device do not limit the claim.

Applicant argues that the second support member (186) is not securable to the cable harness, but instead is secured to a mounting bracket 168. However, the mounting bracket is what secures the second support member to the cable harness. Applicant also argues that the harness is not suspended between the first and second support member. However, Webster's Collegiate Dictionary 10th ed. defines suspend as *hang*. The harness taught by Braden hangs from the portion 200 to 220, which is between the first and second support members. It is also pointed out that the means for supporting the harness from first and second flexible members are 122 and 220, respectively.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

SM

Steven M. Marsh

December 7, 2004

Leslie A. Braun

LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER